

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/656,905	SPITZER ET AL.
	Examiner Hung X Dang	Art Unit 2873

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to \_\_\_\_\_.
2.  The allowed claim(s) is/are 1-75.
3.  The drawings filed on 24 December 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**Claims Allowed**

1. Claims 1-75 allowed.

**Reasons For Allowance**

2. The following is an Examiner's Statement of Reasons for Allowance:

The prior art fails to teach a combination of all the claimed features as present in independent claim 1, which include an optical pipe element comprising a transparent pipe and an eyepiece assembly, the transparent pipe arranged to relay light internally from the electronic display element to the eyepiece assembly; and an interpupillary adjustment mechanism configured to movably mount the right eye display assembly and the left eye display assembly to the nose bridging element to adjust a spacing between, the eyepiece assembly of the right eye display assembly and the eyepiece assembly of the left eye display assembly, whereby an interpupillary distance between the user's eyes can be accommodated.

The prior art fails to teach a combination of all the claimed features as present in independent claim 32, which include an eyepiece assembly comprising an optical pipe element and a surface arranged to relay light from the electronic display element toward an eye of a user, wherein the right eye display assembly and the left eye display assembly are disposed with respect to each other to converge rays from each eye of the user on a virtual image provided at a distance less than optical infinity.

The prior art fails to teach a combination of all the claimed features as present in independent claim 50, which include an optical pipe element having a curvature to

accommodate curvature of a user's face, a mid portion of the optical pipe element forming a nose bridge element and the details of the left and right displays assembly.

The prior art fails to teach a combination of all the claimed features as present in independent claim 60, which include an optical pipe element, a mid portion of the optical pipe element forming a nose bridging element and the details of the left and right displays assembly.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication should be directed to Examiner Dang at telephone number (571) 272-2326.

11/04



Hung X. Dang

Primary Examiner

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